

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.15413 of 2020

and

W.M.P.No.19266 & 19267 of 2020

N.Iyyappan

...Petitioner

Vs.

The District Manager,
TASMAC Ltd.,
Arakonam District.

...Respondent.

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records on the file of the respondent in Ref.Na.Ka.No.A1/303/C.V/2020 dated 19.06.2020 and quash the same.

For Petitioners : Mr.D.Bharathy
For Respondent : Mr.Sathish Kumar
Standing Counsel

O R D E R

This Writ petition has been filed challenging the show cause notice dated 19.06.2020 passed by the respondent directing the petitioner to submit his explanation for certain lapses committed by him in discharge of his duties as employee of the respondent Corporation. The challenge to the show cause notice is merely on the basis of self serving averments of the petitioner and this Court finds that there are no worthwhile grounds raised in the affidavit, compelling this Court to intervene at the stage of show cause notice.

2.This Court's extraordinary jurisdiction under Article 226 of the Constitution of India cannot be invoked for challenging the show cause notice, particularly, in this case, when the petitioner has been merely called upon to give his explanation on the alleged lapses committed by him. The petitioner without giving explanation to the show cause notice, has rushed to this Court.

3.This Court cannot appreciate the challenge of the petitioner by traversing into the factual aspects and it is always desirable and better that the petitioner submits his explanation and await the final order to be passed by the authority concerned. It is certainly not proper for the petitioner to approach this Court at this stage. This Court is, therefore, of the view that the writ petition is not to be entertained at this stage.

4. However, considering the facts and circumstances of the case, it is open to the petitioner to submit his explanation to the impugned show cause notice and await the final order to be passed thereon pursuant to the impugned show cause notice and if any order passed adversely against the interest of the petitioner, the petitioner is at liberty to challenge the same at that point of time.

5.The writ petition stands dismissed as of now. No costs. Consequently, connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Manager,
TASMAC Ltd.,
Arakonam District.

W.P.No.15413 of 2020

EV(CO)
RV(04/12/2020)

सत्यमेव जयते

WEB COPY